

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

APPELLANT: Katrin Reisinger CONFIRMATION NO. 3984
SERIAL NO.: 10/797,494 GROUP ART UNIT: 3628
FILED: March 10, 2004 EXAMINER: Daniel Vetter
TITLE: APPARATUS FOR AUTOMATIC PRODUCT CODE ENTRY
 INTO A MAIL-PROCESSING DEVICE

MAIL STOP APPEAL BRIEF-PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

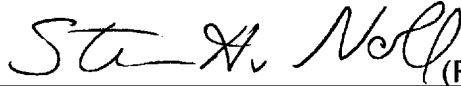
S I R:

In a Notice of Non-Compliant Appeal Brief dated August 12, 2008, it was stated that the Appeal Brief filed on July 29, 2008 contained a typographical error at page 3, in the statement of the second grounds of rejection. Page 3, and page 4 wherein this section of the Appeal Brief is continued, are submitted herewith, with the aforementioned typographical error corrected therein.

Although no explicitly stated in the aforementioned Notice, in other Notices of this type, it has been stated that only the defective section of the Appeal Brief needs to be resubmitted, rather than the entire Appeal Brief. Appellant assumes this is the case with respect to the present Notice.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Submitted by,



(Reg. 28,982)

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I.17 - p.10, I.7; p.11, I.17-23), and having a receiver unit (3, Fig. 1) in communication with the microprocessor, said data structure comprising a plurality of memory areas (p.9, I.7) in which are stored, respectively, an application program for said automatic product code entry and for generating screen images for shipping parameters on a display device (p.9, I.21-22), at least one first table in one of said memory areas and respective further tables in further memory areas to which access is enabled by said application program, said first table comprising columns of data values for valid shipping parameters and pointers to a weight table, pointers to a product code table and pointers to a weight class table (p.9, I.7-16), all of said tables being loadable from said computer-readable medium into said programmable memory via said receiver unit (p.9, I.19-23).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL:

The following issues are presented for review in the present appeal:

Whether the subject matter of claims 1-10, 12 and 14 would have been obvious to a person of ordinary skill in the field of designing mail-processing devices, under the provisions of 35 U.S.C. §103(a), based on the teachings of United States Patent No. 5,535,127 (Uno et al., Exhibit "B") in view of United States Patent No. 5,852,813 (Guenther et al., Exhibit "C") and U.S. Postal Service *Minutes of The Mailers' Technical Advisory Committee*, December 10 -11, 1997 (USPS Minutes, Exhibit "D"); and

Whether the subject matter of claims 11 and 13 would have been obvious to a person of ordinary skill in the field of designing mail-processing devices, under the provisions of 35 U.S.C. §103(a), based on the teachings of Uno et al. and Guenther et al. and USPS Minutes, further in view of official notice that it is known in the art for

drive devices to receive data from CDs and DVDs employed as storage data carriers.

ARGUMENT:

Rejection of Claims 1-10, 12 and 14 Under 35 U.S.C. §103(a) Based on Uno et al., Guenther et al. and USPS Minutes

The subject matter of claims 1 and 14 concerns a mail processing device and a computer-readable medium, respectively, that provide for the entry of a product code into a postage meter apparatus. As noted in the present specification, the term “product code” is a term with a specific, well-documented meaning in the context of mail processing, which the Examiner has apparently not only acknowledged, but relied upon, by virtue of the citation in the Final Office Action of the publication referred to as USPS Minutes. As explained therein, and as explained at page 3 of the present specification, a product code is a specific definition pertaining to a specific mailing category that is defined by the governmental postal authorities in many countries. The use of such a product code is required in countries such as Germany and Canada, but as of today, it is still not required in the United States, despite having been discussed in the USPS Minutes cited by the Examiner, which summarizes topics discussed at the Mailers’ Technical Advisory Committee that took place over a decade ago.

In the countries that require a product code, the product code designates additional services, beyond basic mailing, that are requested by the mailer, such as overnight delivery, registered mail, etc. The product code in those countries must be included in the franking imprint according to the postal regulations in those countries, but this code is simply a number and therefore does not, by itself, provide any